

10/27/97
JC494 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
REQUEST FOR FILE WRAPPER CONTINUING APPLICATION UNDER 37 CFR 1.62
(RULE 62)
For Design or Utility Applications

BOX FWC

The Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Prior Application:
Group Art Unit: 1103
Examiner: Straub, G
Atty Dkt: 241797/33147
new M#/Client Ref.
(Our Deposit Account No. 03-3975
(Our Order No. 8257/241797
C# / new M#
Date: October 27, 1997

Sir:

This is a RULE 62 REQUEST for filing from
prior copending parent Application No. 08/039,498, a
series code ↑ serial no.

- ☐ divisional
☒ continuation (**Exr. NOTE:** any election in parent as to species/restriction requirement:
☒ is carried over with traverse ☐ is not carried over)
☐ continuation-in-part without new Declaration (Rule 62(d)) ☐ without fee
☐ continuation-in-part (with new Declaration attached hereto)

The parent was filed on April 28, 1993, entitled THE PROCESS FOR PRODUCING ALUMINUM OXIDE.

by the following named inventor(s) who is/are ☒ the same as, ☐ less than all of (see Item 17),
☐ more than (for CIP only), those named in that parent application:

(1) Inventor	Martin		KADNER
	First	Middle Initial	Family Name
Residence	Maintal	Federal Republic of Germany	Federal Republic of Germany
	City	State/Foreign Country	Country of Citizenship
Post Office Address	Sudring 6, 6457 Maintal, DE		
(include Zip Code)			
(2) Inventor	Egbert		BRANDAU
	First	Middle Initial	Family Name
Residence	Alzenau	Federal Republic of Germany	Federal Republic of Germany
	City	State/Foreign Country	Country of Citizenship
Post Office Address	Taunusring 6, 875 Alzenau, DE		
(include Zip Code)			
(3) Inventor	Hans		HUSCHKA
	First	Middle Initial	Family Name
Residence	Hanau	Federal Republic of Germany	Federal Republic of Germany
	City	State/Foreign Country	Country of Citizenship
Post Office Address	Grunaustrasse 5, 6450 Hanau 1		
(include Zip Code)			
(4) Inventor			
	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Post Office Address			
(include Zip Code)			
(5) Inventor			
	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Post Office Address			
(include Zip Code)			

NOTE: FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet (CDC-110A) with same information with same information for each inventor starting with inventor No. 6 and number new page 1A.

1. **Requirement of Rule 62:** Rule 62 filings are to be used only when the issue fee has not been paid (except as noted below) in the above-identified prior application nor that application abandoned or its proceedings terminated. This Rule 62 filing will be considered by the PTO as an express abandonment of that prior application except when this Rule 62 filing is pursuant to Rule 313(b)(5), i.e., when the issue has been paid in the prior application and a petition filed to abandon that application to permit an IDS to be considered in this Rule 62 application. (Note: 37 CFR 1.53 (Rule 53) may be used for continuations and divisions where the prior application is not to be abandoned.)

2. ☐ The issue fee has been paid in the parent, but this Rule 62 Request follows a Rule 313(b)(5) petition, and per 1138 OG 40 waiver is respectively requested of that part of Rule 62 which prohibits use of the rules to file an FWC after payment of the issue fee.

3. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Germany of: (country)

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) <u>P 40 35 089.4</u>	<u>05/11/90</u>	(4) _____	_____
(2) <u>P 40 42 594.0</u>	<u>05/11/90</u>	(5) _____	_____
(3) _____	_____	(6) _____	_____

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in prior U.S. Application No. _____ / _____, filed on _____.

series code ⇕ serial no.

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____.

d. ☒ Priority is also claimed from PCT/ EP91/02057 filed 10/30/91.

4. ☒ The prior application is assigned of record to Egbert Brandau by Assignment recorded 8/20/1996 Reel 8093 Frame 0886.

5. ☐ Attached is an assignment Cover Sheet.
Please return the recorded Assignment to the undersigned.

6. ☒ The power of attorney in the prior application is to Marlana K. Chapin, Reg. No. 35,843, Cushman Darby & Cushman Intellectual Department of Pillsbury Madison & Sutro LLP
(Name, Reg. No.) ⇕

7. ☐ Recognize as associate attorney _____

(Name and Reg. No.; Address as in item 8 unless otherwise indicated) ⇕

8. **Address all future communications to Cushman Darby & Cushman, Intellectual Property Group of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W., Washington, D.C. 20005-3918**

9. ☒ Amend the specification by inserting before the first line (in place of any comparable insert previously requested in any prior application) the sentence: --This is a

☐ continuation-in-part (CIP) ☒ continuation ☐ division

of application No. 08/039,498, filed on April 28, 1993, which was
series code ⇕ serial no.
abandoned upon the filing hereof _____.

10. ☒ 1 (No.) Verified Statement(s) establishing "small entity" status under Rules 9 and 27
a. ☒ filed in above prior application (and hence applicable hereto)
b. ☐ attached.

11. **Requirement of Rule 62:** It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.
12. Petition to extend the life of the above prior application to at least the date hereof

NOTE: (One box) ☐ is being concurrently filed in that prior application (Use Form CDC-111).
 (must be) ☐ was previously filed in that prior application (Check length of prior extension).
 (X'd) ☒ is not necessary for copendency (Double check before X'ing this box).

13. ☐ Please enter the amendment previously filed on _____ but unentered in the above prior application.
14. ☐ Attached: _____ sheet(s) per set of drawing of Fig(s) _____ :
☐ 1 set informal; ☐ formal of size: ☐ A4 ☐ 11"
15. ☐ **PRELIMINARY AMENDMENT to be entered before fee calculation** (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims.):
16. ☐ Attached is a Rule 103(a) Petition to suspend action
17. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 62 application:
1. _____ 2. _____
 3. _____ 4. _____
18. ☐ This Rule 62 application is a continuation-in-part which discloses and claims additional matter and the amendments in attached Amendment are to be considered an integral part of the CIP ab initio.
 a. ☐ New Declaration is attached.
 b. ☐ This application is also filed under Rule 62(d) (without a Declaration) and hence filing fee is not enclosed.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
 EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 13 AND 15 ABOVE

				Large/Small Entity		Fee Code
19. Basic Filing Fee Design Application				\$330/\$165		106/26
20. Not Design Application				\$790/\$395	+395	101/201
21. Total Effective Claims	5	minus 20 =	0	x \$22/\$11	+0	103/203
(Base this Ⓢ on claims <u>as amended</u> to effect CIP if this is a Rule 62(d) completion)						
22. Independent Claims	1	minus 3 =	0	x \$82/\$41	+0	102/202
23. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line <u>blank</u> if this is a <u>reissue</u> application)				\$270/\$135	+0	104/204
24. TOTAL FILING FEE =					\$395	
25. If "assignment" box 5 is X'd, add recording fee.				\$40	+	581
26. If "petition" box 16 above is X'd, add petition fee.				\$130	+	122
27. FEE ATTACHED =					\$395	

(carry forward to line 36)

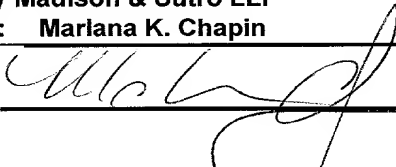
28. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.).
(Do NOT X box 28 or 29 for CIP Amendment. See box 18)
29. ☐ The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:
30. ☐ ATTACHED:

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 28/29**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	File Code
32.	Total Effective Claims	<u>5</u>	minus ** <u>20</u> = * <u>0</u>	x \$22/\$11 =	\$ <u>0</u>	(103/203)
33.	Independent Claims	<u>1</u>	minus *** <u>3</u> = * <u>0</u>	x \$82/\$41 =	+ <u>0</u>	(102/202)
34.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add\$270/\$135(per application)				+ <u>0</u>	(104/204)
35.	ADDITIONAL FEE				\$ <u>0</u>	
36.	plus FEE from item 27 on page 3				+ <u>395</u>	
37.	<u>TOTAL FEE ATTACHED</u>				\$ <u>395</u>	

38. *If the entry in the first space is less than an entry in the middle space, the "Present Extra" result is "0"
39. **If the "Highest number previously paid for" (see item 21 above) is less than 20, write "20" in this space
40. If the "Highest number previously paid for" (see item 22 above) is less than 3, write "3" in this space

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Cushman Darby & Cushman Intellectual Property Group of Pillsbury Madison & Sutro LLP 1100 New York Avenue, N.W. Ninth Floor East Tower Washington, D.C. 20005-3918 Tel: (202) 861-3000 MKC/ms	By: Atty: <u>Marlana K. Chapin</u> Sig: 	Reg. No. <u>35843</u> Fax: <u>(202) 822-0944</u> Tel: <u>(202) 861-3711</u>
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NOTE: No: 1: File this Request in duplicate with 2 postcard receipts (CDC-103) & attachments
NOTE: No: 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 12 above.